United Nations A/70/706–S/2016/75

General Assembly
Security Council

Distr.: General
25 January 2016

Original: English

General Assembly
Seventieth session
Agenda items 35, 40 and 85

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

The rule of law at the national and international levels

Security Council
Seventy-first year

Letter dated 25 January 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I should like to convey the following.

In his letter dated 18 December 2015 addressed to the Secretary-General (A/70/663-S/2015/1020), the Permanent Representative of Armenia to the United Nations enclosed a "letter" and a so-called "instrument of ratification" of the International Covenant on Economic, Social and Cultural Rights, signed by two individuals presenting themselves as "president" and "minister of foreign affairs" of the so-called "NKR" — an unlawful separatist entity established by Armenia in the occupied Nagorno-Karabakh region of Azerbaijan.

According to article 26 of the International Covenant on Economic, Social and Cultural Rights, only the States Members of the United Nations, the States Parties to the Statute of the International Court of Justice and the States which have been invited by the General Assembly of the United Nations can become parties to the said Covenant. As a matter of necessary interpretation under the principles of the Vienna Convention on the Law of Treaties and customary international law, there is no basis whatsoever for understanding the term "State" appearing in article 26 of the International Covenant on Economic, Social and Cultural Rights as including such unlawful entities as that established and controlled by Armenia in the occupied territories of Azerbaijan. Therefore, it is no coincidence that article 26 of the Covenant is referred to neither in the letter of the Permanent Representative of Armenia nor in what he calls the "instrument of ratification".

The request of the Permanent Representative of Armenia to circulate his letter and its annexes as a document of the General Assembly and the Security Council, in

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contravention of the procedure established in article 26 of the Covenant, clearly testifies to the provocative character of Armenia's action.

The fact that the Nagorno-Karabakh region is an integral part of the Republic of Azerbaijan has been consistently reaffirmed by the Security Council in its relevant resolutions, adopted in response to the occupation of the territories of the Republic of Azerbaijan. In those resolutions, the Security Council condemned the use of force against Azerbaijan and the occupation of its territories, reaffirmed the sovereignty and territorial integrity of Azerbaijan, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory and demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories.

Accordingly, as a matter of law and fact, any "declarations" made by the unlawful regime established by Armenia in the occupied territories of Azerbaijan purporting to ratify international agreements or accede to them are invalid and have no legal effect whatsoever. Thus, the aforementioned letter and alleged submission of the so-called "legislative act" is just another piece of Armenia's provocation and political-legal adventurism as well as forgery designed to whitewash its ongoing aggression and violations against the Republic of Azerbaijan.

Equally hypocritical is that Armenia circulated the aforementioned "document", if one may call it so, on the very eve of another round of high-level talks between the Presidents of Azerbaijan and Armenia, under the auspices of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, which were held in Bern, Switzerland, on 19 December 2015. This is not surprising. Thus, in the wake of a previous presidential-level meeting in October 2014 in Paris, France, Armenia launched the unprecedented large-scale military provocations in the occupied territories of Azerbaijan.

Armenia has once again clearly demonstrated that it has chosen the path of escalation and aimed at undermining prospects for political settlement. The continuation of such provocative actions will inevitably render the talks within the OSCE Minsk Group meaningless.

I should be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda items 35, 40 and 85, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative